

REMARKS

The Office Action dated November 3, 2005, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claim 1 has been amended. The Applicants submit that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-11 are pending in the present application, and claims 1-11 are respectfully submitted for consideration.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

Examiner Interview

As a preliminary matter, the Applicants appreciate the scheduled interview on January 27, 2006.

Claims 1-4, 6 and 9 Rejected under 35 U.S.C. § 103(a)

Claims 1-4, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps et al. (U.S. Patent No. 5,741,182, hereinafter "Lipps") in view of Lipson (U.S. patent No. 5,435,554). This rejection is respectfully traversed.

Claim 1, as amended, recites a sensing ball game apparatus comprising, among other features, a piezoelectric buzzer incorporated in an input device which outputs an acceleration correlated signal according to an acceleration upon moving the input device in the three-dimensional space, the acceleration correlation signal having variations in magnitude levels that corresponds to the acceleration of the input device, and a game processor for receiving the acceleration correlated signal and causing a movement in the ball character being displayed on the screen with a moving speed based on the magnitude level of the acceleration correlated signal.

It is respectfully submitted that the prior art fails to disclose or suggest at least the above-mentioned features of the Applicants' invention.

In making the rejection, the Office Action characterized the "centrifugal force" of Lipps as being comparable to the "acceleration correlated signal" of the claimed invention. The Applicants respectfully disagree since the "centrifugal force" of Lipps is merely used to "cause the weight to move toward the switch ...[the] centrifugal switch, consisting of a small steel weight, a guide to allow the weight to move, and a switch that is activated by the force of the moving weight." Once the switch is activated by the force, the switch is turned on.

In contrast, the present invention provides that "the acceleration correlation signal having variations in magnitude levels that corresponds to the acceleration of the

input device.” In one embodiment of the present invention for example, a bat is swung which generates movement of the bat and corresponding acceleration of the bat. The movement and acceleration of the bat thereby is converted into a corresponding magnitude level of the acceleration correlation signal. In other words, the acceleration correlation signal of the present invention is NOT a constant but can have “variations in magnitude levels.”

Furthermore, the Office Action acknowledge that Lipps “fails to explicitly teach causing a change in the ball character being displayed on the screen,” and posits that “Lippson teaches that once the result of the hit ball is determined, flow enters state 404 where the appropriate animation sequence is displayed on the video screen to include the previously hit ball and the advancement of any runners on base.” The Applicants further disagree with the Office Action’s position.

The Applicants submit that Lippson fails to teach or disclose at least “a game processor for receiving the acceleration correlated signal and causing a movement in the ball character being displayed on the screen with a moving speed based on the magnitude level of the acceleration correlated signal.” Based on the Examiner’s cited passage, Lippson merely provides that once the ball is hit, then “appropriate animation sequence is displayed,” where Lippson fails to disclose any consideration of how the ball was hit from the bat, or considering how the ball will move “based on the magnitude level of the acceleration correlated signal” of the present invention.

As such, it is submitted that the “centrifugal force” of Lipps is neither comparable nor analogous to the “acceleration correlated signal having variations in magnitude

levels that corresponds to the acceleration of the input device,” as recited in the claims of the present application. Furthermore, Applicants submit that the “appropriate animation sequence” of Lippson is also neither comparable nor analogous “a movement in the ball character being displayed on the screen with a moving speed based on the magnitude level of the acceleration correlated signal,” of the claimed invention.

Moreover, the Applicants submit that neither Lipps nor Lippson, taken along or together, disclose or suggest at least “a piezoelectric buzzer incorporated in an input device which outputs an acceleration correlated signal according to an acceleration upon moving the input device in the three-dimensional space, the acceleration correlation signal having variations in magnitude levels that corresponds to the acceleration of the input device.”

In view of the above, the Applicants submit that Lipps in view of Lippson fail to disclose or suggest each and every limitation recited in claim 1 of the present application, and therefore is allowable.

As claims 2-4, 6 and 9 depend from claim 1, Applicants submit that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Rejected under 35 U.S.C. § 103(a)

Claims 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps and Lipson as applied to claims 1-4, 6 and 9, in view of Tosaki et al. (U.S.

Patent No. 6,517,438 B2, hereinafter "Tosaki"), and claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps and Lipson, as applied to claims 1-4, 6 and 9, in view of Zur et al. (U.S. Patent No. 5,833,549, hereinafter "Zur"). Furthermore, claims 7 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps and Lipson, as applied to claims 1-4, 6 and 9, in view of Marinelli (U.S. Patent No. 6,157,898). These rejections are respectfully traversed.

As claims 5, 7, 8, 10 and 11 depend from claim 1, Applicants submit that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

Conclusion

In view of the above, Applicants respectfully submit that each of claims 1-11 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicants also submit that the subject matter is more than sufficient to render the claims non-obvious to a person of ordinary skill in the art, and therefore respectfully requests that claims 1-11 be found allowable and that this application be passed to issue along with allowed claims.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referring to client-matter number 100341-00008.

Respectfully submitted,



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